**FARAD CONTINUATION SHEET NO.**
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**
**NAGPUR BENCH, NAGPUR**

Civil Revision Application No. 161/2004

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|---|---|
| Appeal | District : |
| Application No. | of 200 |
| Writ petition | |

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
|---|---|

Shri. V.M. Deshpande, Adv. for applicants.
Shri. V.A. Kothale, Adv. for the respondents.

**CORAM : B.R. Gavai, J.**
**DATED : October 16, 2006.**

By way of present revision, the applicants challenge the order dated 3rd July, 2004 passed by the 1st Ad hoc Additional District Judge, Amravati, thereby the application seeking rejection of the plaint on the ground that the suit was filed against a dead person and as such was not maintainable, is rejected.

Vide an earlier order, the learned trial Court had allowed the application of the present respondents for bringing the L.Rs. of deceased defendant on record.

In view of the judgment of the Apex Court in the case of **Karuppaswamy and others Vs. C. Ramamurthy** reported in **AIR 1993 Supreme Court 2324**, an application for bringing L.Rs. of defendant who is already dead is maintainable in law.

In that view of the matter, no perversity can be found in the approach adopted by the learned trial Court.

Hence rejected.

**JUDGE**

RMP